

## **REMARKS/ARGUMENTS**

Applicant notes that the instant Office Action does not identify whether the action is non-final or final. There is no designation on the Summary page (box 2), and there is no indication in the Conclusion at page ten. Thus, Applicant assumes that the instant action is non-final since there is no evidence to the contrary and requests that the requirements for responding to, and processing of, a non-final action be applied to the instant response.

The rejection presented in the Office Action dated August 12, 2008, (hereinafter Office Action) has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully maintains that the asserted references, Sjoblom and Oyagi, alone, and in combination, fail to teach or suggest each of the claimed limitations. Specifically, neither of the asserted references teaches or suggests exchanging associating data between a media receiver and a user terminal, as claimed in each of the independent claims. Sjoblom admittedly fails to teach or suggest these limitations at page three of the Office Action, and it is also acknowledged at page two of the Office Action that “the secondary reference [Oyagi] does not teach a user terminal in the telecommunication system”. Since Oyagi fails to teach use of a user terminal, Oyagi cannot teach or suggest exchanging associating data between a media receiver and a user terminal, as claimed. As neither of the asserted references teaches exchanging associating data with a user terminal of a telecommunication system, any combination of such references must also fail to teach or suggest such limitations.

Moreover, the reliance on Oyagi’s teachings regarding wireless receipt of broadcast information by a digital audio broadcasting (DAB) receiver fails to provide correspondence to exchanging data with a user terminal of a cellular telecommunication system. The mere assertion that Oyagi’s DAB receiver is an end user fails to provide any correspondence to a user terminal of a cellular telecommunication system. The field of wireless communications includes several types of systems, such as radio broadcasting systems, which only broadcast information to downlink; radio telecommunication systems utilizing a fixed network

fixed network infrastructure, which provide for bi-directional (downlink and uplink) communication; and systems establishing direct mobile-to-mobile connections. Each of these types of systems has different requirements for user equipment with respect to, *e.g.*, communication capabilities, frequency bands, and protocols. For example, a radio broadcasting system purely transmits radio signals without having any logical connection with any receiver receiving the broadcast, whereas a receiver of a telecommunication system must establish a communication connection with a cellular system to enable reception of information from the system. While Oyagi may teach exchanging data between portions within a media receiver, there is no teaching or suggestion that such data would be exchanged with a user terminal of a cellular telecommunication system. Since neither reference teaches exchanging associating data between a media receiver and a user terminal, as claimed, the asserted combination fails to teach or suggest a single device that utilizes both a cellular telecommunication system and a radio broadcast system to provide a service to the device without a user manually configuring the system. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP § 2143.03. The Examiner appears to have ignored certain claim limitations such as those directed to exchanging associating data between a media receiver and a user terminal, which are not taught by either of the cited references. For example, neither Sjoblom nor Oyagi has been shown to teach exchanging associating data with a user terminal of a cellular telecommunication system. Since neither of the asserted references teaches at least these limitations, any combination of Sjoblom and Oyagi must also fail to teach such limitations, thereby rendering the rejection improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-14, 17, 19, and 21-28 depend from independent Claims 1 and 16, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Sjoblom and Oyagi. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-14, 17, 19, and 21-28 are also patentable over the asserted combination of Sjoblom and Oyagi.

However, in an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant’s claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant’s claimed subject matter, Applicant has amended each of the independent claims to explicitly characterize that the user equipment establishes a bi-directional communication link with a cellular telecommunication system. While these limitations were already implicitly present in the claimed cellular telecommunication system, further support for these changes may be found in the Specification, for example, at paragraph [0049]; therefore, the changes do not introduce new matter. Since Oyagi’s DAB receiver does not establish bi-directional communication with a cellular telecommunication system, the DAB receiver cannot correspond to the claimed user terminal. Thus, neither of the asserted references teaches exchanging associating data with a user terminal, and each of the pending claims is further believed to be patentable over the asserted references.

It should be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially

noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Also, Claims 1, 7, 10, 16, 17, 19, and 21-28 have been amended to alter the wording of the claims and address grammatical issues. For example, the preambles of Claims 1 and 16 have been shortened, and the dependent claims have been amended to provide consistency with the independent claims. Also, Claims 7, 10, 21, and 24 have been amended add periods at the ends. These changes are not made for any reasons related to the asserted references and do not introduce new matter. These claims, with or without the changes, are believed to be patentable over the teachings of the asserted references for the reasons set forth above.

Further, new Claim 30 has been added. Support for this claim may be found in original Claim 1, in Figs. 1 and 2, and in the corresponding discussion thereof in the Specification, for example, at paragraphs [0015] through [0064]; therefore, the claim does not introduce new matter. This claim is also believed to be patentable over the asserted references for the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.156US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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